United Nations CRC/C/FRA/CO/5

Convention on the Rights of the Child

Distr.: General
23 February 2016

Original: English

Committee on the Rights of the Child

# Concluding observations on the fifth periodic report of France*

## I. Introduction

1. The Committee considered the fifth periodic report of France (CRC/C/FRA/5) at its 2063rd and 2065th meetings (see CRC/C/SR.2063 and 2065), held on 13 and 14 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the fifth periodic report of the State party and the written replies to the list of issues (CRC/C/FRA/Q/5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

## II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016;

(b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2015;

(c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2010;

(d) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2008.

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

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4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) The law on the modernization of the health system, voted on by the National Assembly on 17 December 2015;

(b) Law No. 2014-873 of August 2014, on true gender equality;

(c) Law No. 2013-595 of July 2013, on organizing and planning the reform of public schools;

(d) Law No. 2013-711 of August 2013, which redefined trafficking in persons to better capture the different forms of exploitation, including those involving children;

(e) Law No. 2012-301 of March 2012, on the transmission of information for monitoring children in danger.

5. The Committee welcomes the following institutional and policy measures:

(a) The creation of the High Council for Family, Childhood and the Elderly within the Office of the Prime Minister on 28 December 2015;

(b) The Interministerial Agreement on Equality between Girls and Boys and Women and Men in the Education System, 2013-2018;

(c) The global action plan for 2015-2017 on the protection of children;

(d) The national action plan for 2014-2016 on combating human trafficking.

# III. Main areas of concern and recommendations

## A. General measures of implementation (arts. 4, 42 and 44 (6))

### The Committee's previous recommendations

6. **The Committee recommends that the State party adopt all measures necessary to address those previous recommendations that have been partly or insufficiently implemented, or not implemented at all (CRC/C/FRA/CO/4 and Corr.1), such as those relating to corporal punishment, the minimum age of responsibility, the juvenile justice system and unaccompanied migrant children, and regrets in particular that the State party has not withdrawn its reservation to article 30 and its two declarations in relation to articles 6 and 40.**

### Legislation

7. The Committee is concerned that only a very limited number of the provisions of the Convention are recognized as self-executing and that its principles and rights are not duly included in national legislation.

8. **The Committee reiterates its recommendation to the State party that it ensure the applicability of all the provisions of the Convention on the whole territory of the State party and that the Convention can be invoked by individuals in national courts at all levels (see CRC/C/FRA/CO/4 and Corr.1, para. 11).**

### Comprehensive policy and strategy

9. The Committee is concerned by the insufficient progress made in defining a comprehensive sustainable policy for the implementation of all rights under the

Convention, and the absence of measurable targets in the different existing child strategies of the State party.

10. **The Committee recommends that the State party continue its efforts to develop and implement, in consultation with children and civil society organizations, a comprehensive policy on children, with an emphasis on addressing growing disparities. The Committee also recommends that the State party design and implement a strategy containing the elements for its implementation, including measurable targets, a time frame and sufficient human, technical and financial resources.**

**Coordination**

11. The Committee welcomes the creation of the High Council for Family, Childhood and the Elderly but remains concerned by the disparities in the implementation of the Convention in the overseas departments and territories and gaps in the capacity to coordinate.

12. **The Committee recommends that the State party ensure that the coordination mechanism has a clear mandate and sufficient authority and resources to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels, including in the overseas departments and territories.**

**Allocation of resources**

13. Despite the large public investment in children, the Committee is concerned by the inequity in the allocation of some resources in the State party, particularly for children in situations of marginalization and for the overseas departments and territories, especially in Mayotte. It remains concerned by the absence of progress in carrying out consistent budgetary analysis.

14. **The Committee recommends that the State party:**

(a) **Establish a budgeting process which adequately takes into account the needs of children, with clear allocations for children in the relevant sectors and agencies, specific indicators and a tracking system;**

(b) **Increase the budget allocated to the social sectors, and to children in disadvantaged situations, such as Roma children; migrant children, including asylum-seeking and refugee children; and children in Mayotte and other overseas departments and territories;**

(c) **Ensure effective monitoring and evaluation of the efficacy, adequacy and equity of the distribution of resources allocated to the implementation of the Convention.**

**Data collection**

15. While noting the information provided by the State party in its written replies, the Committee is concerned that reliable, disaggregated data on many areas of the Convention remains unavailable, and that public statistics remain fragmented and insufficient.

16. **The Committee reiterates its previous recommendation to the State party to improve its data collection system covering all areas of the Convention (see CRC/C/FRA/CO/4 and Corr.1, para. 21). Furthermore, the Committee recommends that the data and indicators collected by the different administrative authorities be used for the formulation, monitoring and evaluation of policies, programmes and**

**projects for the effective implementation of the Convention and the enjoyment of rights by children. The Committee further recommends that the State party take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled "Human rights indicators: a guide to measurement and implementation" when defining, collecting and disseminating statistical information.**

**Independent monitoring**

17. The Committee is concerned by the insufficient resources and visibility of the Defender of Children within the Defender of Rights, and the fact that the State party does not systematically consult the Defender of Children on bills affecting children's rights and does not sufficiently follow up on its reports and recommendations.

18. **The Committee recommends that the State party ensure adequate child-specific resources to increase the visibility of the Defender of Children and its capacity to execute its mandate. It also encourages the State party to regularly consult the Defender of Children and the National Consultative Commission on Human Rights.**

**Dissemination, awareness-raising and training**

19. While welcoming the efforts undertaken by the State party to disseminate and raise awareness and provide training on the Convention, the Committee remains concerned that children, the general population and public authorities have little knowledge of the Convention and its contents. It is also concerned that most children are not thoroughly taught about their rights.

20. **The Committee recommends that the State party make awareness-raising programmes regarding the Convention compulsory in schools, ensure that teachers are adequately trained in that regard and systematically carry out national education campaigns. It also recommends that the State party disseminate the Convention as widely as possible to children and to all those working for or with children.**

**Children's rights and the business sector**

21. The Committee notes that some French multinational companies have voluntary corporate social responsibility practices for their foreign subsidiaries. The Committee is concerned, however, by the insufficient information on measures taken and envisaged by the State party to regulate the activities of companies acting under the State party's jurisdiction or control to ensure the respect of the rights of the child in operations carried out outside the State party's territory. It is particularly concerned about cases in which subsidiaries of French companies have directly contributed to the violation of children's rights, including activities conducted by rubber companies in Cambodia.

22. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:**

(a) **Establish a clear regulatory framework for industries operating under the jurisdiction and control of the State party to ensure that their activities do not negatively affect human rights or endanger environmental and other standards, especially those relating to children's rights;**

(b) **Ensure that companies effectively implement international standards, including on human rights, the environment and health; that due diligence processes are required; and that effective means exist for monitoring implementation and appropriately sanctioning and providing remedies whenever violations occur;**

(c) **Thoroughly investigate possible lapses in the performance of these obligations by French companies or their subsidiaries operating abroad.**

## B. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

23. The Committee welcomes the efforts made by the State party to combat discrimination. The Committee is concerned, however, about the persistence of discrimination on the grounds of sex, gender identity, disability, national origin, social and economic origin or other grounds. It further expresses its concern at the persistence of racial discrimination against and stigmatization of Roma children. The Committee is also concerned that the action plan for equality that replaced the "ABCD of Equality" programme was developed without the involvement of children, is not targeted specifically at children and lacks measurable objectives and a time frame.

24. **The Committee reiterates its previous recommendation and urges the State party to strengthen its efforts to foster a culture of equality, tolerance and mutual respect, to prevent and combat persistent discrimination and to ensure that all cases of discrimination against children in all sectors of society are effectively addressed (see CRC/C/FRA/CO/4 and Corr.1, para. 31). The Committee also recommends that the State party strengthen its efforts to challenge gender stereotypes, including within the framework of the action plan for equality, with measurable objectives and a time frame, aimed specifically at children in all levels of education, and to make relevant training for educators compulsory.**

### Best interests of the child

25. The Committee notes with appreciation that the principle of the best interests of the child has been raised at the constitutional level and that the Court of Cassation (*Cour de Cassation*) and the Council of State (*Conseil d'État*) have adopted a common position in this regard. The Committee is concerned, however, that this right is not sufficiently integrated in practice and is not always properly assessed and determined in all government actions and decisions, including by requiring that prior evaluation studies be conducted to assess the impact of government bills and public investment.

26. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children, including through child rights impact studies.**

### Right to life, survival and development

27. The Committee is deeply concerned about the absence of official statistics and the existence of reports that in the State party an estimated two children die each day, potentially as a result of domestic violence. The Committee is also deeply concerned that, in cases involving parents who have been convicted of serious offences, including murder, against one or more of their children, and who continue to pose a risk to their surviving children, the State party prioritizes maintaining family ties over the best interests of the child, and allows such parents to retain their parental rights, putting the rights to life, survival and development of their other children at risk.

28. **The Committee recommends that the State party:**

(a) **In the light of the numerous initiatives, including diagnostic studies, it has undertaken to understand and address the incidence of child maltreatment death, adopt all necessary measures to prevent the phenomenon;**

(b) **Establish a requirement for all judges to systematically raise the matter of revoking parental responsibility in cases involving parents convicted for any serious offences against one or more of their children, and make it explicit in law that the best interests of the child must prevail over any other consideration in these decisions.**

**Respect for the views of the child**

29. While welcoming the ongoing efforts by the State party to ensure respect for the views of the child, the Committee remains concerned about the little progress made to systematically ensure and implement respect for the views of the child in all relevant contexts of life. The Committee is concerned that the hearing of a child in legal proceedings is subject to a written request, and that judges have dismissed such requests on the grounds that they are poorly written. The Committee is further concerned that children in vulnerable or marginalized situations, such as children in administrative placement and children with disabilities, are often not consulted in matters concerning them.

30. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party ensure that all children, including those in vulnerable or marginalized situations, fully enjoy the right of the child to be heard, particularly in judicial and administrative proceedings and decisions. It recommends that the State party establish systems and/or procedures for the participation of children, the training of social workers and administrative or court authorities, and the provision of support by a professional (lawyer, ad hoc administrator or social worker). It also recommends that the State party:**

(a) **Develop effective avenues for children's views to be heard and adequately inform children of such channels;**

(b) **Conduct programmes and awareness-raising activities to promote the participation of all children within the family, community and schools, paying particular attention to children in vulnerable and marginalized situations.**

## C. Civil rights and freedoms (arts. 7, 8 and 13-17)

**Birth registration/nationality**

31. The Committee welcomes the decision by the Court of Cassation of 3 July 2015 on the legal recognition and registration of children born to surrogate mothers, and the decision of 12 December 2015 by the Council of State to grant nationality to such children. The Committee is concerned, however, about inconsistencies among registry offices in the issuance of nationality certificates. The Committee is also concerned about the insufficient registration of children belonging to Amerindian and *Bushinenge* populations in the overseas departments and territories, which impedes them from exercising their rights.

32. **The Committee recommends that the State party address discrepancies among registry offices, and that it ratify the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession. The Committee reiterates its previous recommendation and urges the State party to strengthen its efforts to ensure birth registration for all children in the overseas departments and territories, particularly in French Guyana, including**

**through considering a longer extension of the period of time for the registration of newborns (see CRC/C/FRA/CO/4 and Corr.1, para. 42).**

**Right to know and be cared for by parents**

33. **The Committee reiterates its recommendations to take all appropriate measures to fully enforce the child's right to know his or her biological parents and siblings and urges it to adopt the necessary measures for all information about parent(s) to be registered and filed, in order to allow the child to know, to the extent possible and at the appropriate time, his or her parents (see CRC/C/FRA/CO/4 and Corr.1, para. 44). The Committee also recommends that the State party consider removing the requirement of the biological mother's consent to reveal her identity and to increase its efforts to address the root causes that lead parents to choose to use confidential birth.**

**Freedom of expression, association and peaceful assembly**

34. The Committee is concerned that legislation continues to restrict the rights to freedom of expression, association and peaceful assembly for children under 16 years of age.

35. **The Committee reiterates its previous recommendation (see CRC/C/FRA/CO/4 and Corr.1, para. 49) and recommends that the State party take measures, including of a legal nature, to guarantee the rights to freedom of expression, association and peaceful assembly for children of all ages, as set out by the Convention.**

**Right to privacy**

36. The Committee remains concerned by the multiplicity of databases for gathering, stocking and using the personal data of children for lengthy periods and the fact that children and their parents are not sufficiently informed by education authorities of their rights to oppose the registration of personal data, or to access, rectify or erase it.

37. **The Committee reiterates its recommendation that the State party solely enter unidentified personal information in databases (see CRC/C/FRA/CO/4 and Corr.1, para. 21). The Committee also recommends that the State party adopt the necessary measures so that children and their parents are duly informed about their rights to oppose the registration of personal data, or to access, rectify or erase it.**

**Access to appropriate information**

38. While welcoming the efforts by the State party to protect children from harmful information in the media and on digital networks, the Committee is nevertheless concerned by the persistence of hypersexualized images of children, particularly girls, in the media. It is concerned that no regulatory framework exists at present to protect children from inappropriate media and digital content and that many features for regulating children's access to inappropriate information on television, the Internet and smartphones, such as parental controls, are not effective in practice.

39. **In the light of the conclusions of the day of general discussion on digital media and children's rights in 2014, and in full keeping with the right of the child to access appropriate information, the Committee recommends that the State party:**

(a) **Implement the regulations prohibiting the use of sexualized images of children in the media, in the marketing of products or for other purposes, and take effective measures to control access to inappropriate digital information by children;**

(b) **Strengthen awareness-raising, information and education programmes to sensitize children, parents and the general public on opportunities and risks relating to the use of digital media and information and communications technology.**

## D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

### Torture and other cruel, inhuman or degrading treatment or punishment

40. The Committee is concerned by cases of ill-treatment of children with disabilities in institutions and the insufficient independent monitoring of such institutions. It is particularly concerned that in some cases the personnel denouncing ill-treatment have reportedly been accused of defamation and condemned, while perpetrators were rarely brought to justice, in spite of video-recorded evidence. The Committee is further concerned that the "packing" technique (wrapping the child in cold, wet sheets), which amounts to ill-treatment, has not been legally prohibited and is reportedly still practised on some children with autistic spectrum disorders.

41. **The Committee urges the State party to increase initiatives to understand, prevent and counter the root causes of ill-treatment of children in institutions, and that it:**

(a) **Establish oversight mechanisms that are able to undertake regular and effective independent inspections of institutions;**

(b) **Thoroughly and promptly investigate any allegations of ill-treatment, bring the perpetrators to justice and provide care, recovery, reintegration and compensation for child victims;**

(c) **Create accessible and child-friendly reporting systems and services, including confidential channels for denouncing cases of ill-treatment and protection from reprisals, particularly for children, their families and personnel;**

(d) **Legally prohibit the practice of "packing" children and any other practice that amounts to ill treatment.**

### Freedom of the child from all forms of violence

42. The Committee welcomes the initiatives adopted to improve the identification and monitoring of children at risk of all forms of violence. The Committee is concerned, however, about the lack of a comprehensive strategy addressing all forms of violence against children and the high and increasing incidence of domestic violence and gender-based violence in the State party. The Committee is also concerned about:

(a) The absence of standardized guidelines, protocols and referral mechanisms for child victims or witnesses of violence, insufficient coordination and training of public officials working with children, particularly to detect, report and take action or refer cases of suspected violence against children;

(b) Insufficiencies and large disparities across the territory in the structures that shelter child victims of domestic violence and offer medico-psychological assistance for child victims;

(c) Insufficient awareness-raising initiatives at schools with regard to children's rights, particularly the right to be protected from violence, including harassment and bullying;

(d) The physical and mental well-being and development of children exposed to violence, including on television and in certain performances, such as bullfighting.

43. **Recalling the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and the 2030 Agenda for Sustainable Development, the Committee recommends that the State party expedite the adoption of a comprehensive strategy to prevent and counter all forms of violence against children, within the overall policy of child protection. It also recommends that the State party:**

(a) **Establish a national database on all cases of violence against children, including ill-treatment, sexual abuse and neglect, domestic violence, harassment and bullying;**

(b) **Develop appropriate guidelines, protocols and referral mechanisms for child victims or witnesses of violence and ensure their consistent application across the State party;**

(c) **Empower children to protect themselves and their peers from violence through awareness of their rights and the development of social skills, as well as age-appropriate strategies;**

(d) **Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children;**

(e) **Ensure that all child victims of violence have access to protective shelters and services for their recovery and social reintegration;**

(f) **Increase efforts to change violent traditions and practices that negatively affect the well-being of children, including by prohibiting children's access to bullfighting and associated performances.**

### Corporal punishment

44. **The Committee reiterates its recommendation to the State party to explicitly prohibit corporal punishment in all settings, including in the family, in schools, in childcare settings and in alternative care (see CRC/C/FRA/CO/4 and Corr.1, para. 58). In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee reminds the State party that no violence against children is justifiable and that corporal punishment is a form of violence, invariably degrading and preventable, and urges the State party to promote positive, non-violent and participatory forms of child-rearing and discipline, including through public education campaigns.**

### Sexual abuse in the Central African Republic

45. The Committee is seriously concerned about allegations of sexual abuse committed against children by French soldiers in the Central African Republic and notes that the preliminary investigations are still ongoing. The Committee regrets the State party's reply that measures to protect child victims and witnesses of those crimes were not considered necessary (see CRC/C/FRA/Q/5/Add.1, para. 173).

46. **The Committee recommends that the State party ensure that the allegations of sexual abuse and exploitation of children in the Central African Republic by French soldiers are expeditiously and effectively investigated and that perpetrators are prosecuted. The Committee urges the State party to engage in measures relating to the care and support of child victims, including psychosocial support, monetary compensation or other reparations. The Committee recommends that the State party strengthen preventive measures to ensure that the rights of children are respected and protected.**

**Harmful practices**

47. While noting with appreciation the progress made by the State party in eradicating female genital mutilation, the Committee is nevertheless concerned by the many young girls still at risk and the possible resurgence of the phenomenon. The Committee is also concerned that medically unnecessary and irreversible surgery and other treatment are routinely performed on intersex children.

48. **Recalling the joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee recommends that the State party gather data with a view to understanding the extent of these harmful practices so that children at risk can be more easily identified and their abuse prevented. It recommends that the State party:**

(a) **Increase awareness of female genital mutilation in the State party among girls at risk, medical professionals, social workers, police officers, gendarmes, and magistrates;**

(b) **Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options; that children are involved, to the greatest extent possible, in decision-making about their treatment and care; and that no child is subjected to unnecessary surgery or treatment.**

## E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))

**Family environment**

49. The Committee is concerned that the State party continues to refer to "parental authority", which is not conceptually in line with the rights of the child. The Committee is also concerned that the physical abuse of children has risen since 2008 and that weak links in the child protection chain have resulted in cases of children left at risk of domestic violence and unprotected at home, partly due to the slow implementation of Law No. 2007-293 of 5 March 2007 on the reform of child protection.

50. **The Committee recommends that the State party:**

(a) **Consider replacing the term "parental authority" with "parental responsibility" or similar terminology, in line with the rights of the child;**

(b) **Adopt all necessary measures to improve national and local governance of child protection policies by promoting communication, cross-cutting approaches and coordination between actors;**

(c) **Ensure the full implementation of Law No. 2007-293 of 5 March 2007 by public authorities at all levels, including with regard to prevention, the identification of children at risk and the quality of care interventions.**

**Family reunification**

51. The Committee is concerned by the three judgements of the European Court of Human Rights against the State party on 10 July 2014 for its failure to .omply with the right to respect for family life, finding that the decision-making process for the issuance of visas had not demonstrated the required guarantees of flexibility, speed and efficacy.

52. **The Committee recommends that the State party take the legal and other measures necessary to establish a practice in the area of family reunification in accordance with the principles and provisions of the Convention and in fulfilment of the above-mentioned guarantees.**

**Children deprived of a family environment**

53. The Committee is concerned that existing care alternatives to tailor placement to each child are seldom practised and is also concerned about the growing number of children separated from their families by judicial order, which particularly affects children whose families live in poverty. It is further concerned at the few opportunities for children placed in childcare and in alternative care to contact and meet with their families, at the geographic distance between the family home and institutional care locations, and at the insufficient consideration of the views and the best interests of the child when decisions on alternative care are made by the child welfare service (ASE). It is further concerned by:

(a) The overrepresentation of children with disabilities in child welfare service institutions;

(b) The situation and status of children abandoned de facto but not de jure to such institutions;

(c) Placement decisions that are taken without a view to ensuring continuity of a child's familiarity with his or her surroundings, foster carers and environment;

(d) The insufficient preparation and assistance provided to children from the age of 16 to prepare them for entrance into adult life.

54. **The Committee recommends that the State party:**

(a) **Support and facilitate family-based care for children wherever possible, and establish a system of foster care for children who cannot stay with their families, especially encouraging foster care for children with disabilities to accelerate the deinstitutionalization process;**

(b) **Ensure adequate safeguards and clear criteria, based on the needs, views and best interests of the child, for determining whether a child should be placed in alternative care;**

(c) **Ensure that children placed in alternative care can maintain contact with their parents, to the extent possible, taking due account of geographical proximity and the child's familiar surroundings, foster carers and environment;**

(d) **Clarify the legal situation and status of children abandoned to the child welfare service;**

(e) **Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible, including for children approaching the age of adulthood.**

**Adoption**

55. The Committee welcomes the adoption on 22 October 2014 of the circular setting out the legal effects of the kafalah system in the State party. However, the Committee is concerned about:

(a) The lack of information about traditional adoptions known as "child circulation" in French Polynesia and New Caledonia, which continue to take place, without

an approved intermediary and without any real guarantees for the families or the children concerned;

(b) The insufficient support provided to adoptive parents and other family members in the adoption of children with specific needs owing to their age, siblings, disability or illness;

(c) The high number of intercountry adoptions involving countries of origin that are not party to or do not comply with the safeguards of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

56. **The Committee recommends that the State party ensure that, with regard to adoptions, the principle of the paramountcy of the best interests of the child is strictly observed. The Committee also recommends that the State party:**

(a) **Collect, in a systematic and ongoing manner, disaggregated statistical data and relevant information on domestic and intercountry adoptions in order to better understand and address the phenomenon;**

(b) **Provide information on the practice of "child circulation" in French Polynesia and New Caledonia in its next periodic report and adopt measures to prevent new cases from occurring;**

(c) **Ensure that all the safeguards provided in the 1993 Hague Convention are met, even if the other country involved is not a party to that Convention, and conclude bilateral agreements upholding the standards of the Convention on the Rights of the Child and the 1993 Hague Convention with countries that have not ratified the latter;**

(d) **Ensure that adoptive parents and families are provided with adequate specialized adoption support.**

## F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

### Children with disabilities

57. The Committee recognizes the efforts made by the State party to strengthen the inclusion of children with disabilities. However, the Committee is concerned by the slow and unequal implementation of Law No. 2005-102 of 11 February 2005 and Law No. 2013-595 of 8 July 2013 regarding inclusive education for all children, and that progress in ensuring that children with disabilities attend mainstream schools rather than hospitals or medico-social institutions has been slow, with an exacerbated situation in the overseas departments and territories. The Committee is also concerned that the law provides for a system of special units within mainstream schools for children as young as the age of 3; that some children with disabilities are institutionalized; that some are still in segregated schools; and that others drop out of school as a result of a lack of accommodation and support. The Committee is further concerned about:

(a) Persistent discrimination against children with disabilities, especially children with multiple disabilities, in accessing education, regarding equality with others, including during recreational and extracurricular activities, in school facilities and during vocational training;

(b) Families facing major obstacles to obtaining and maintaining the necessary support they are entitled to receive, including enough hours of school assistance;

(c) School personnel who are insufficiently trained and supported, the insufficient number of specialized and qualified assistants, and the scarce number of accessible and adapted school curricula, teaching and evaluation materials and classrooms.

58. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to effectively adopt a human-rights-based approach to disability without delay, to recognize the right of all children to inclusive education and to ensure that inclusive education is given priority over the placement of children in specialized institutions and in segregated classes at all levels. The Committee specifically recommends that the State party:**

(a) **Organize the collection of data on children with disabilities and develop an efficient system for early identification to facilitate the design of appropriate strategies and programmes for them;**

(b) **Adopt measures to facilitate and ensure access to appropriate support;**

(c) **Train all teachers and education professionals on providing inclusive education and individual support, creating inclusive and accessible environments, and giving due attention to the specific situation of each child;**

(d) **Ensure sufficient resource allocation for all children, including children with disabilities, to be supported with the most appropriate plan for responding to their needs and circumstances;**

(e) **Undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities.**

**Children with autism**

59. The Committee is concerned that, in spite of three successive autism plans, children with autism continue to be subjected to widespread violations of their rights. The Committee is particularly concerned that the majority of children with autism do not have access to education in mainstream schools, or receive limited education on a part-time basis with no specifically trained personnel to support their inclusion. The Committee is also concerned that:

(a) The implementation of the 2012 recommendations of the High Health Authority is not mandatory and that children with autism are still offered inefficient psychoanalytical therapies, overmedication and placement in psychiatric hospitals and institutions, including in a neighbouring country;

(b) Professionals trained in internationally recognized therapies, as well as development and education programmes, are scarce and are not covered by the health insurance system;

(c) Some parents who oppose the institutionalization of their children are intimidated and threatened and, in some cases, lose custody of their children, with the children being forcibly institutionalized or subject to administrative placement.

60. **The Committee urges the State party to take immediate measures to ensure that the rights of children with autism, especially their right to inclusive education, are respected, that the 2012 recommendations of the High Health Authority are legally binding on professionals working with children with autism, and that only therapies and educational programmes that conform with the recommendations of the High Health Authority are authorized and reimbursed. The State party should also ensure that children with autism are not subjected to forced institutionalization or administrative placement and that parents are no longer subjected to reprisals when refusing the institutionalization of their children.**

**Health and health services**

61. Despite noting with appreciation that the health of children is one of the priorities of the national health-care strategy defined in 2013, the Committee is concerned by the inadequacy of resources, the lack of specialized child health personnel and the general deterioration of services and structures, including at school and in maternal and child welfare protection centres, especially in the overseas departments and territories, in shantytowns and in refugee camps. The Committee is concerned about:

(a) The fact that children are not automatically allowed to be accompanied by parents when hospitalized overnight;

(b) The low rate of exclusive breastfeeding and the incomplete implementation of the International Code of Marketing of Breast-milk Substitutes;

(c) The persistent excessively high level of infant mortality and early pregnancy in the overseas departments and territories, particularly in Mayotte;

(d) The high rates of preventable infectious diseases in the overseas departments, particularly in French Guyana and Mayotte, including HIV/AIDS and tuberculosis;

(e) The fact that migrant children without a valid residence permit continue to experience difficulties in exercising their right to health services.

62. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party urgently address deficiencies in resources and medical staff, services and structures, particularly at school and in maternal and child welfare protection centres, and consider the specific needs of children, especially children living in the overseas departments and territories, in shantytowns and in refugee camps. The Committee also recommends that the State party:**

(a) **Review the conditions governing hospitalization from a child-rights perspective, and allow children to be accompanied and cared for by parents during hospitalization;**

(b) **Fully implement the International Code of Marketing of Breast-milk Substitutes and further promote exclusive breastfeeding practices (see CRC/C/FRA/CO/4 and Corr.1, para. 75);**

(c) **Increase efforts to reduce existing disparities in access to health-care services for children and mothers in the overseas departments and territories, particularly in Mayotte;**

(d) **Undertake targeted programmes for addressing preventable diseases, including HIV/AIDS and tuberculosis, particularly in French Guyana and Mayotte;**

(e) **Increase the necessary resources to ensure that all children, including unaccompanied children and migrant children without a valid residence permit, have access to basic health care.**

**Mental health**

63. While welcoming the implementation in some departments of certain recommendations contained in the assessment of the national programme of action against suicide for the period 2011-2014, such as the opening of adolescent centres, the Committee is concerned about: the insufficient number of specialized child psychiatrists, psychologists and psychiatric nurses, and their unequal distribution; budget cuts relating to and the closing down of outpatient services, which often leads to hospitalization; the care of

children in adult establishments that are not adapted for their needs; and the overmedication of children in psychiatric hospitals. The Committee is further concerned that the rate of mental health and psychosocial disorders is high among children and increases with age, affecting mainly children over 15 years.

64. **The Committee encourages the full and sustained implementation of the recommendations of the national programme of action against suicide for the period 2011-2014. The Committee recommends that the State party increase the human and financial resources available for specialized mental health services, with a view to reducing inequalities in access to child psychiatric care nationwide. It recommends that the State party increase the training of medical personnel on issues relating to child psychiatry, and guarantee that children receive treatment by qualified professionals and in establishments designated for children.**

### Adolescent health

65. Despite noting with appreciation the adoption of the 2013 decree making contraceptives available free of charge and confidentially to children over 15 years old, the Committee is concerned about the high number of cases of voluntary termination of pregnancy.

66. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention given to preventing early pregnancy.**

### Drug and substance abuse

67. While welcoming the initiatives by the State party to address addiction, such as the plan to combat drugs and addictive behaviours, the Committee is concerned about the increased rates in tobacco and alcohol use and experimentation with cannabis throughout the middle school years.

68. **The Committee recommends that the State party address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse, including of tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services for children and young people.**

### Standard of living

69. The Committee welcomes the adoption of the multi-year poverty reduction and social inclusion plan but is concerned about the situation of the 20 per cent of children who live in poverty and the large numbers of homeless children. It is particularly concerned about the worsening situation of children and families affected by the economic crisis living in poverty, particularly children in families headed by single parents and children living in shantytowns or in "sensitive urban areas", as well as children living in "emergency lodging" for periods extending to years. While welcoming the recent efforts by the State party to address disparities in the overseas departments and territories, the Committee nevertheless notes with particular concern the persistence and widening of social inequality across the territory of the State party, the slow progress in reducing the gap in the enjoyment of rights by children in the overseas departments and territories, particularly in French Guyana and Mayotte, and the situation of migrant children, particularly

unaccompanied migrant children. It is also concerned by cases of forced eviction of Roma children and their families, without alternative relocation and without notice.

70. **The Committee recommends that the State party make the eradication of child poverty a national priority and that it allocate the necessary human, technical and financial resources to programmes to support those children and families in most need of support, particularly children and families affected by the economic crisis who are living in poverty, children in families headed by single parents or living in shantytowns or "sensitive urban areas", children in the overseas departments and territories and unaccompanied migrant children. The Committee also urges the State party to respect its international obligations with regard to forced evictions and encourages it in its endeavours towards the inclusion of Roma children and their families.**

## G. Education, leisure and cultural activities (arts. 28-31)

### Education, including vocational training and guidance

71. The Committee welcomes the State party's decision to fill, on a priority basis, 60,000 vacant teacher positions by 2017. However, the Committee is concerned about the grave impact on children of the elimination in recent years of 80,000 teaching posts, the recruitment of untrained replacement personnel and the very high student-teacher ratio in certain schools. The Committee is also concerned about the large deterministic role that the socio-economic origin of children plays in school achievement in the State party and the disparities in the allocation of resources to schools, which varies by local municipality. Furthermore, it is concerned that:

(a) Certain categories of children face difficulties in entering, continuing or re-entering education, school-related activities and facilities, especially children with disabilities, children living in shantytowns, unaccompanied migrant children (particularly in Mayotte) and children in conflict with the law;

(b) Some children, including Roma children, unaccompanied migrant children and children living in precarious housing, face numerous difficulties with regard to enrolling in ordinary schools or gaining access to school canteens, and in some cases have not been allowed to do so by municipalities;

(c) Progress has been slow with regard to reducing the large numbers of children dropping out of school early and without qualifications;

(d) Training provided to education professionals is insufficient and inadequate;

(e) Specialized assistance networks in schools are progressively disappearing, which particularly affects children with learning difficulties;

(f) Violence and widespread bullying among students are common and education professionals lack the capacity to prevent and address them.

72. **The Committee recommends that the State party strengthen its educational reform with a view to reducing the effects of the social background of children on their achievement in school, and that it take additional measures to guarantee the availability of a sufficient number of qualified teachers to ensure the right to education to all children. It also recommends that the State party:**

(a) **Continue to strengthen measures to decrease dropout and repetition rates and expand vocational education and training for children who have left school without certificates, enabling them to re-enter education and acquire competencies and life skills;**

(b) **Ensure the right to education without discrimination to all children;**

(c) **Take measures to increase teachers' qualifications, including through continuing training programmes;**

(d) **Redeploy and appropriately fund specialized assistance networks in schools;**

(e) **Intensify its efforts to tackle bullying and violence in schools, including through the adoption of policies and tools in schools for the prevention and handling of cases of bullying and the appropriate training of school personnel on detecting, preventing and countering violence and bullying.**

## H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

### Asylum-seeking, unaccompanied migrant children and refugee children

73. The Committee is concerned about the situation of unaccompanied migrant children in the State party who cannot access special protection and assistance measures. It is concerned that the State party does not sufficiently consider the best interests of the child as a guiding principle in all initial assessment processes and subsequent arrangements. The Committee notes with concern the difficulties faced with regard to accessing child protection structures and legal representation, psychological support, social assistance and education, especially for 17-year-olds. The Committee is also concerned that the procedure set out in the circular of 31 May 2013, on the equitable distribution of services provided to unaccompanied migrant children, has been partially annulled by the Council of State (*Conseil d'Etat*) decision of January 2015, resulting in insufficient quality of care and protection of children and refusals by certain municipalities to provide such protection. It notes with concern the number of children subjected to administrative detention in 2014, most of them in Mayotte, in degrading conditions and without access to a judge. The Committee is also concerned about:

(a) The situation of unaccompanied migrant children automatically placed in waiting zones of airports or hotels, and other administrative detention facilities (*locaux de rétention administrative*), sometimes detained with adults, and reports of their removal, even before they speak to an ad hoc administrator;

(b) The overreliance on bone tests to determine the age of children, and cases in which the child's consent was, in practice, not sought.

74. **The Committee recommends that the State party guarantee sufficient human, technical and financial resources throughout its jurisdiction to specialist and child-specific support, protection, legal representation, social assistance, and educational and vocational training of unaccompanied migrant children and build the capacities of law enforcement officials in this regard. It also recommends that the State party:**

(a) **Adopt the necessary measures, including those of a legal nature, to avoid the detention of children in waiting zones through increased efforts to find suitable alternatives to deprivation of liberty and place children in appropriate accommodation, and to fully respect non-refoulement obligations;**

(b) **Put an end to the use of bone tests as the main method to determine the age of children, using instead other methods that are proven to be more accurate.**

75. The Committee welcomes the State party's commitment to receive a large number of Syrian refugees, including children, over the next two years. However, the Committee is concerned at the precarious situation of children and their families in refugee camps in the northern part of the State party, such as in Calais and in Grande-Synthe, the refusal by authorities to register children and the lack of sufficient resources for venues and services to provide them with appropriate and adapted protection.

76. **The Committee reminds the State party of its primary responsibility for the protection of children in accordance with its international obligations and urges the State party to ensure the rights of all children, including children living in refugee camps, to registration, humane living standards and adequate health care services.**

**Children in armed conflict**

77. The Committee welcomes the efforts by the State party to prevent the recruitment of children by non-State armed groups and radical religious and ideological movements, including the national plan to combat violent radicalization and jihadist networks. The Committee is concerned, however that children and young persons in the State party continue to be brainwashed into joining such movements and networks, particularly through the Internet.

78. **The Committee recommends that the State party strengthen measures to prevent the recruitment of children by non-State armed groups and radical religious and ideological movements and, in particular, to understand the phenomenon and its root causes among children and youth in the State party. It also recommends that the State party increase its resource allocation to invest in outreach and empowerment programmes, ensuring the engagement of children and youth, as well as the wider community.**

**Sale, trafficking and abduction**

79. While welcoming the adoption of the national action plan to combat human trafficking for the period 2014-2016, the Committee is concerned that the plan does not have time-bound, measurable benchmarks and is not yet operational. Particularly, the Committee is concerned by the fragmentation and inequality across jurisdictions for children seeking to obtain assistance, and by:

(a) The very small number of cases resulting in convictions;

(b) The insufficiency of measures to correctly identify child victims of trafficking based on the best interests of the child, and the fact that the presumption of minority is not always respected, including in cases of children forced into delinquency;

(c) The non-implementation of the obligation to provide access to interpreters or to ad hoc administrators throughout procedures;

(d) The inadequacy of care for children who have been victims of sale and trafficking.

80. **The Committee recommends that the State party:**

(a) **Provide the necessary resources for an effective implementation of the national action plan to combat human trafficking;**

(b) **Ensure that child protection standards for child victims of trafficking meet international standards, in conformity with the Council of Europe Convention on Action against Trafficking in Human Beings;**

(c) **Ensure that cases of trafficking are given high priority by the legal authorities and that cases are expeditiously investigated;**

(d) **Ensure that child victims of sale and trafficking, including children forced into delinquency, are provided with appropriate assistance and protection.**

**Administration of juvenile justice**

81. The Committee welcomes the repeal of minimum sentences for children foreseen in Law No. 2014-896. The Committee remains concerned, however, about:

(a) Lack of progress in the implementation of its previous recommendations to establish a minimum age of criminal responsibility and to end the treatment of children over 16 years of age as adults, including when involved in violent extremist activities;

(b) To end the detention of children in wards within adult detention facilities, and the detention of girls together with adult women;

(c) The shortage of places in alternatives to places of detention, such as secure supervision centres;

(d) The inadequacy of trained staff and facilities in secure supervision centres when it comes to providing quality education, health and psychiatric care;

(e) The fact that understanding of the role of ad hoc administrators and their availability varies significantly across jurisdictions, with particular difficulties in the overseas departments and territories.

82. **The Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards and recommends that the State party:**

(a) **Establish a minimum age of criminal responsibility, not below the age of 13 and requiring the child's capacity of discernment (see CRC/C/FRA/CO/4 and Corr.1, para. 99);**

(b) **Refrain from treating children above 16 years of age as adults;**

(c) **Ensure that, in practice, detention is used only as a measure of last resort and for the shortest possible period of time, promoting instead alternative measures, wherever possible, and ensure that in cases where detention is unavoidable, it is done in compliance with the law and international standards, so that children, particularly girls, are not detained together with adults and can access education and health services;**

(d) **Establish specialized juvenile court facilities and procedures with adequate human, technical and financial resources and properly trained and available ad hoc administrators;**

(c) **Build the capacities of staff working with and for children, including in secure supervision centres, to provide quality education, health care and psychiatric care and continue training programmes on relevant international standards for all professionals working with the criminal justice system.**

**Child victims and witnesses of crimes**

83. While welcoming the efforts taken to shelter and support child victims of crimes, the Committee is concerned about:

(a) Inconsistencies in the protection of child victims during the various phases of judicial proceedings;

(b) Children who have witnessed offences not being provided with the same procedural guarantees as child victims;

(c) Defendants not being banned, in practice, from approaching or contacting child victims;

(d) Insufficient mechanisms for identifying child victims and providing immediate protective measures and psychosocial care during and after proceedings for children;

(e) Ineffective use of video recording of interviews, usually in inadequate facilities by personnel lacking specialized training.

84. **The Committee recommends that the State party increase the coherence of specialist structures and protection measures across its jurisdiction, ensure that children who witness offences are provided with the same procedural guarantees as child victims and:**

(a) **Guarantee that bans on defendants approaching or contacting victims are implemented and allocate resources to protect victims from secondary victimization, retaliation or intimidation;**

(b) **Ensure that children receive immediate protection, and medical and psychological care, by appropriately trained staff;**

(c) **Adopt the necessary measures, including those of a legal nature, to interview child victims in premises designed and adapted for that purpose, including through video recording and the use of skilled personnel.**

**Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography**

85. The Committee regrets the lack of information on the implementation of its 2007 recommendations on the State party's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/FRA/CO/1). The Committee is also concerned that:

(a) Although engaging in child prostitution as a client is a criminal offence, clients are not always prosecuted;

(b) Child victims of sexual abuse and exploitation are not heard by judges or recognized as victims of prostitution, as cases are dismissed owing to insufficient evidence;

(c) The rape of a child, although a crime in the Penal Code, is often reclassified as sexual aggression.

86. **The Committee calls on the State party to implement its previous recommendations, particularly those relating to the following: ensuring that national legislation complies with articles 2 and 3 of the Optional Protocol (see CRC/C/OPSC/FRA/CO/1, para. 19); establishing its jurisdiction over all the offences referred to in the Optional Protocol (para. 21); systematically collecting disaggregated data on the number of victims provided with recovery assistance and compensation (para. 23 (a)); ensuring adequate services for child victims, including physical and psychological recovery and social reintegration, and collaborating with civil society organizations in this regard (para. 23 (b)); establishing systematic and continued training for all actors dealing with the protection of child victims (para. 23 (c)); and ensuring that all child victims have access to adequate procedures to seek, without**

**discrimination, compensation for damages from those legally responsible (para. 23 (d)). The Committee also recommends that the State party:**

**(a) Investigate, prosecute and convict clients involved in child prostitution;**

**(b) Adopt measures, including ones establishing adequate socio-educational support structures, to ensure that all child victims receive appropriate and secure legal, social, educational and medical assistance;**

**(c) Prosecute cases of rape inflicted on children as crimes.**

### I. Ratification of international human rights instruments

87. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instrument to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

### J. Cooperation with regional bodies

88. **The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.**

## V. Implementation and reporting

### A. Follow-up and dissemination

89. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the language of the country.**

### B. Next report

90. **The Committee invites the State party to submit its sixth and seventh periodic reports by 5 March 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

91. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document**

**and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**